



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 7, 2022

BY ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Trevor Milton, S1 21 Cr. 478 (ER)*

Dear Judge Ramos:

The Government writes respectfully to file publicly the attached proposed verdict form and in response to the defendant's letter dated October 7, 2022, submitting a proposed alternative verdict form (Dkt. No. 206). Despite purporting to "refer[] to the object of each alleged scheme," the defendant's proposed verdict form contains argument, attempting, contrary to the Indictment, evidence, and jury instructions in this case, to limit the subject of the defendant's scheme to "Nikola stock." The Government's proposed form by contrast connects the counts to the Court's jury instructions by using the language from the Court's description of the counts so that the jury can readily identify the relevant count. The Government is also unaware of the basis for the defendant's assertion that his proposed form is "customary in this District." The Government's proposed form is consistent with precedent, reflects the burden of proof in this case, provides assistance to the jury, and should be adopted.

Respectfully submitted,

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cc: Counsel of Record (by ECF)